

**DECLARATION OF
GEORGE LEVITTE
REGARDING
GOOGLE AD
MANAGER PROFITS**

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8 **UNITED STATES DISTRICT COURT**

9 **NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**

10 CHASOM BROWN, *et al.*, on behalf of
11 themselves and all others similarly situated,

12 Plaintiffs,

13 vs.

14 GOOGLE LLC,

15 Defendant.

Case No. 4:20-cv-03664-YGR-SVK

**DECLARATION OF GEORGE LEVITTE
REGARDING GOOGLE AD MANAGER
PROFITS**

Judge: Hon. Yvonne Gonzalez Rogers

Date: September 20, 2022

Time: 2:00 p.m.

Location: Courtroom 1 – 4th Floor

1 I, George Levitte, declare as follows:

2 1. I am currently a Group Product Manager for Google Ad Manager. I make this
3 declaration on the basis of my personal knowledge and if called as a witness would competently
4 testify thereto.

5 2. I have been employed at Google since 2014. I started as a Product Manager for Real-
6 Time Bidding, and in 2017, expanded to work on several other areas of Google's advertising
7 platform. During my time at Google, I've worked on projects across various ads businesses,
8 including Google Ad Manager (previously two separate products - DoubleClick for Publishers and
9 DoubleClick Ad Exchange), AdMob, and AdSense. Since 2019, I have been part of the Ad Manager
10 leadership team. I manage a team of product managers and am responsible for many components of
11 ads monetization, including the Ad Manager auction. Currently, my team's scope of responsibilities
12 includes the core auction itself, auction optimizations, Google's real-time bidding services, and
13 several other parts of Ad Manager. I consider myself a subject matter expert for all ad monetization
14 features of Ad Manager.

15 3. I am informed that Plaintiffs in this lawsuit allege Google improperly collected five
16 categories of data when users visit websites that use Google web-services, including Google Ad
17 Manager services, regardless of whether users are browsing while in private browsing mode.
18 According to Plaintiffs, the five categories of data (the "Data") that Google improperly collected
19 are: (a) the GET request sent from the user's computer to a website; (b) the IP address of the user;
20 (c) any user-id issued by the website to the user; (d) geolocation of the user; and (e) information
21 contained in "Google cookies." Dkt. No. 395-3, Third Amended Complaint ¶ 63.

22 4. I understand that Plaintiffs' class definition is:

23 Class 1 – All Chrome browser users with a Google account who accessed a non-Google
24 website containing Google tracking or advertising code using such a browser and who
25 were (a) in "Incognito mode" on that browser and (b) were not logged into their Google
26 account on that browser, but whose communications, including identifying information
and online browsing history, Google nevertheless intercepted, received, or collected from
June 1, 2016 through the present.

27 Class 2 – All non-Chrome browser users with a Google account who accessed a non-
28 Google website containing Google tracking or advertising code using any such browser
and who were (a) in "private browsing mode" on that browser, and (b) were not logged

1 into their Google account on that browser, but whose communications, including
2 identifying information and online browsing history, Google nevertheless intercepted,
received, or collected from June 1, 2016 through the present.

3 *Id.* ¶ 192.

4 5. I also understand that Plaintiffs seek to certify two classes:

5 Class 1 – All Chrome browser users with a Google account who accessed a non-
6 Google website containing Google tracking or advertising code using such browser
7 and who were (a) in “Incognito mode” on that browser and (b) were not logged into
8 their Google account on that browser, but whose communications, including
identifying information and online browsing history, Google nevertheless
intercepted, received, or collected from June 1, 2016 through the present.

9 Class 2 – All Safari, Edge, and Internet Explorer users with a Google account who
10 accessed a non-Google website containing Google tracking or advertising code
11 using such browser and who were (a) in a “private browsing mode” on that browser
12 and (b) were not logged into their Google account on that browser, but whose
13 communications, including identifying information and online browsing history,
Google nevertheless intercepted, received, or collected from June 1, 2016 through
the present.

14 Dkt. No. 608-3, Plaintiffs’ Motion for Class Certification at 1.

15 6. I further understand that Plaintiffs allege that Google improperly used the Data from
16 Putative Class Members to augment its advertising profits.

17 7. In summary, Google does not calculate advertising profits on a per-individual-user
18 basis. Nor does Google calculate advertising profits on the basis of the Data as defined by Plaintiffs.
19 Further, it would be impossible to calculate Google’s advertising profits from each Putative Class
20 Member. To explain this conclusion, I provide some background on Google’s Ad Manager and
21 AdSense products and the way that they monetize user data.

22 8. Google Ad Manager is an ad management platform that includes publisher ad server
23 functionality (previously known as DFP / DoubleClick for Publishers) and ad exchange
24 functionality (previously known as AdX / DoubleClick Ad Exchange). An “ad server” is a
25 technology platform that can host and serve advertisements, including display advertisements. An
26 “ad exchange” is a technology platform that facilitates the programmatic selling and buying of ad
27 inventory. These exchanges create a marketplace where ads can be bid on, like an auction, and
28

1 bought in real time. Both ad server functionality and ad exchange functionality are services offered
2 to publishers who are selling space on their webpages to advertisers.

3 9. AdSense is an ad network for publishers who want to monetize their websites, blogs,
4 and forums. Similar to Ad Manager, it provides customers with access to demand from advertisers
5 and helps them set up their ad inventory. However, AdSense provides more automated and
6 simplified ad solutions for publishers than Google Ad Manager. As described in Paragraph 13,
7 AdSense only supports one transaction type. AdSense is frequently used by smaller publishers or
8 those just starting out in the digital advertising space.

9 10. The current role of myself and my team is to help publishers monetize their inventory
10 (for example, webpage space). Part of my team's role is also supporting infrastructure for obtaining
11 access to inventory on publishers' websites, including the Google Publisher Tag ("GPT") for Ad
12 Manager. GPT is a piece of code that our customers may embed in their websites to make use of
13 our services. This code, among other things, causes user "signals" to be sent to Ad Manager
14 services. These signals are the data we receive related to the publisher's request for an ad on that
15 website.

16 11. Google Ad Manager uses the signals it receives to help publishers monetize their
17 inventory. As a result, the revenue Google Ad Manager derives may vary depending on whether or
18 not it receives these signals or whether any restrictions in use of the data received are in place. The
19 user signals Ad Manager receives, the conditions under which they are received (if at all), and how
20 they are used (if at all) are described in more detail in the Declaration of Glenn Berntson Regarding
21 Google Ad Manager In Opposition to Plaintiffs' Motion for Class Certification .

22 12. For most ad server functionality on display ads, Ad Manager charges a CPM ("cost
23 per mille," or cost per thousand impressions) standard fee [REDACTED] in the United
24 States. For many publishers who use ad server functionality and ad exchange functionality on the
25 same impression, Ad Manager [REDACTED]
26 [REDACTED] Ad Manager CPM fees for ad server functionality do not
27 depend on the specific signals passed from GPT. In fact, these are based on CPM impression rates
28 that are included in contracts between the publishers and Google. [REDACTED]

1 [REDACTED]
2 [REDACTED]
3 13. For the ad exchange functionality, Ad Manager has different revenue share
4 agreements with publishers for different transaction types. The most basic transaction type for ad
5 exchange functionality is Open Auction. Open Auction queries are available to all buyers who have
6 integrated with the ad exchange platform. Open Auction impressions are generally subject to a

7 [REDACTED] of the auction clearing price, [REDACTED]
8 [REDACTED]
9 [REDACTED] Google Ad Manager also supports several other transaction types
10 including (i) Private Auction, (ii) Preferred Deals, (iii) Programmatic Guaranteed, and (iv) Open
11 Bidding. Each of these transaction types has a [REDACTED]
12 [REDACTED] of the auction clearing price. In addition, AdSense charges a similar fee but only
13 supports the Open Auction transaction type. [REDACTED]
14 [REDACTED]
15 [REDACTED]

16 14. Google Ad Manager helps its customers monetize their inventory through
17 programmatic and non-programmatic advertising. AdSense helps its customers monetize their
18 inventory only through programmatic advertising.

19 15. Programmatic advertising involves the use of automated technology to buy and sell
20 online advertising space. When publishers sell ad space programmatically using Ad Manager or
21 AdSense, they have access to tools that allow them to manage the ads that appear on their site. When
22 a user visits that site, Ad Manager or AdSense runs an auction to find the highest bidding advertiser
23 that meets the publisher's requirements for each query. Advertisers participate in this auction by
24 using a buy-side platform to make automated bidding decisions on a per-query basis. When an ad is
25 shown programmatically through Ad Manager or AdSense, publishers keep a percentage of the
26 auction clearing price, and Google Ad Manager or AdSense receives a percentage of the auction
27 clearing price, as described in Paragraph 13.
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1 16. As part of this process, the prices for online advertising space are set by the various
2 advertising companies that place bids for the space. These advertising companies often rely on user
3 data, including data they have themselves collected or purchased through a third-party, to determine
4 how much to bid. As such, some of the advertising revenue Ad Manager and AdSense receive
5 depends on user data collected by third-party advertising companies.

6 17. Non-programmatic advertising involves traditional marketing where a publisher
7 receives order details from an advertiser or advertising agency. For this type of advertising, Google
8 Ad Manager does not have a technical interaction with the advertiser. Rather, Google Ad Manager
9 selects the line item requested by the publisher. The publisher, in turn, bills the advertiser or
10 advertising agency. The revenue Google Ad Manager receives from this type of advertising is
11 determined by a fixed fee and does not depend on user Data, as described in Paragraph 12..

12 18. For these reasons, the entirety of revenues from Google Ad Manager and AdSense
13 are not proportional to the revenues publishers obtain.

14 19. In the regular course of business, Google does not separate out the Ad Manager
15 revenue attributed to the use of Data received from the browsing of any particular individual or a
16 set of individuals who browsed while in private browsing mode. Nor does Google separate Ad
17 Manager revenue attributed to user Data in general.

18 20. Further, Google Ad Manager does not, in the ordinary course, keep track of the
19 monetary value it receives from a particular individual. Given the way that user data is incorporated
20 into the Ad Manager product, there is no way to calculate revenue or profits derived from a particular
21 individual. Nor is there a way to calculate profits derived from individuals who use the Chrome
22 Browser specifically, much less those individuals who browsed while in Incognito mode, or those
23 individuals who use any other browser's private browsing mode.

24 21. The monetary value both Ad Manager and AdSense derive through programmatic
25 advertising is based on the auction clearing price for advertising space, which is ultimately set by
26 bidders, in part, based on a variety of characteristics of the target audience. Google Ad Manager and
27 AdSense usually do not have visibility into why advertisers bid a certain price for advertising space,

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1 and, as explained in Paragraph 16, bidders often have access to additional user data that Google Ad
2 Manager does not have visibility into.

3 22. Bidding prices, and thus the ultimate revenue Google Ad Manager and AdSense
4 receive for programmatic advertising can vary dramatically based on several user characteristics.
5 Therefore, over a single fixed time period, Google Ad Manager and AdSense will derive more
6 revenue from some users than others. For example, depending on the ad space at issue, user
7 browsing and shopping behaviors, and even the month or season during which the bidding occurs,
8 Google Ad Manager may derive more value from a user located in Lower Manhattan than a user
9 located in a rural region of Alabama, because advertisers may bid more to show ads to the user in
10 Lower Manhattan. As another example, Google Ad Manager may derive more value from a user
11 browsing on an iOS device than a user browsing on an Android device because advertisers may bid
12 more to show ads to the iOS user.

13 23. Google Ad Manager does not measure profits as a function of how many times a user
14 browses while in private browsing mode. Moreover, dividing Google Ad Manager or AdSense
15 profits by the total number of Google account holders browsing in private browsing mode while
16 signed out of their Google account would arrive at an average that would be wildly larger than the
17 real value derived from some users, and wildly smaller than the real value derived from other users.

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1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct to the best of my knowledge. Executed in New York, New York on
3 August 5, 2022.

DocuSigned by:

George Levitte

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George Levitte